

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QVC, INC.

Plaintiff,

vs.

SHOP AT HOME, INC.,

Defendant.

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:

Civil Action No.

COMPLAINT

1. This is a civil action for trademark infringement, trade dress infringement, false designation of origin and unfair competition arising under the Trademark Act of 1946, as amended, 15 U.S.C. §§ 1051 *et seq.* and the common law of the Commonwealth of Pennsylvania.

**PARTIES**

2. Plaintiff, QVC, INC., is a Delaware corporation, having a principal place of business located at Studio Park, West Chester, PA 19380.

3. On information and belief, Defendant, SHOP AT HOME, INC., is a corporation organized and existing under the laws of the State of Tennessee, having a principal place of business at 5388 Hickory Hollow Parkway, Antioch, TN 37013, and is doing business and the complained of acts in this judicial district.

**JURISDICTION**

4. This Court has jurisdiction over this Action under 28

U.S.C. § 1332, because Plaintiff is incorporated under the laws of the State of Delaware and has its principal place of business in the Commonwealth of Pennsylvania; on information and belief, Defendant is incorporated under the laws of and has its principal place of business in the State of Tennessee; and the matter in controversy exceeds, exclusive of interest and costs, the sum of seventy-five thousand dollars.

5. This Court has jurisdiction over this action under 15 U.S.C. § 1121 and 28 U.S.C. § 1338(a), because this case arises under the Trademark Act of 1946, as amended, 15 U.S.C. §§ 1051 *et seq.*

6. This Court has jurisdiction over the common law claims herein under 28 U.S.C. § 1338(b), because those claims are joined with a substantial and related claim under the Trademark Act of 1946, as amended, 15 U.S.C. §§ 1051 *et seq.*

#### **BACKGROUND**

7. Plaintiff has been, and now is, extensively engaged in the business of providing in interstate commerce electronic retail shopping services, and since at least as early as 1994, has provided such services under the mark TODAY'S SPECIAL VALUE and the design mark TODAY'S SPECIAL VALUE.

8. Plaintiff is the prior user and owner of the mark TODAY'S SPECIAL VALUE. On March 21, 2000, the United States Patent and Trademark Office granted federal trademark registration to

Plaintiff for the mark TODAY'S SPECIAL VALUE for providing home shopping services in the field of general merchandise by means of television as Certificate of Registration No. 2,330,450. Attached hereto and incorporated herein as Exhibit 1 is a copy of Certificate of Registration No. 2,330,450.

9. The above Certificate of Registration and the mark covered thereby is valid and in full force and effect. Plaintiff has all right, title and interest in and to Certificate of Registration No. 2,330,450, and the mark covered thereby, to bring this suit.

10. In addition, Plaintiff is prior user and owner of the design mark TODAY'S SPECIAL VALUE, a copy of which is shown in Exhibit 2. Continuously since at least as early as 1994, Plaintiff has used the design mark TODAY'S SPECIAL VALUE to identify its electronic home shopping services and to distinguish them from those provided by others, by, among other things, prominently displaying the design mark TODAY'S SPECIAL VALUE in connection with said services.

11. Continuously, since at least as early as 1994, Plaintiff has established a substantial market for its electronic home shopping services offered and marketed under the TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark, through its QVC television network, its online interactive shopping site, QVC.COM, its mail order catalogs and retail stores. Plaintiff's TODAY'S

SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark are always shown in association with the services provided by it, which have been widely advertised and extensively offered under these marks. As a result of the Plaintiff's extensive exposure through its broadcasting, advertising, promotion and sale of the services in association with these marks, Plaintiff's TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark have developed and now have a secondary and distinctive trademark meaning to consumers. The Plaintiff's TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark have come to indicate to said consumers, a meaning of electronic home shopping services originating only with Plaintiff.

12. As a result of Plaintiff's exclusive, continuous and substantial use, and its continuous, extensive sales and advertising, Plaintiff's TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark have come to represent an invaluable symbol of the goodwill of Plaintiff's business, and are recognized by consumers as identifying goods and services which have their source, origin or sponsorship with Plaintiff, and as distinguishing such goods and services from the goods and services of others.

13. In addition, continuously since long prior to the acts of Defendant alleged herein, Plaintiff has adopted and used a distinctive combination and arrangement of graphical screen elements (hereinafter "Trade Dress") for its screen displays, to

identify Plaintiff's goods and services and to distinguish them from those made and offered by others, by among other things, prominently and always displaying its Trade Dress during its broadcasts on the QVC television network, as shown in Exhibit 3.

14. Plaintiff's Trade Dress is not functional and is inherently distinctive.

15. Said goods and services have been widely distributed and offered under Plaintiff's Trade Dress throughout the United States, and this Trade Dress has become, through widespread and favorable public acceptance and recognition, an asset of substantial value as a symbol of Plaintiff, its quality goods and services, and its good will.

#### **DEFENDANT'S UNLAWFUL CONDUCT**

16. Notwithstanding Plaintiff's well known, prior common law rights in the TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark and prior statutory rights in the TODAY'S SPECIAL VALUE mark, Defendant, with at least constructive notice of Plaintiff's federal registration rights under 15 U.S.C. § 1072, and long after Plaintiff established its rights in the TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark, has adopted and used the designation TODAY'S BEST VALUE, in this judicial district and in interstate commerce, for its electronic retail shopping services. Attached as Exhibit 4 is a copy of Defendant's use of the infringing TODAY'S BEST VALUE designation.

17. In addition, Defendant has sought to capitalize on the goodwill engendered by Plaintiff's Trade Dress by adopting and using screen display graphics, substantially and confusingly similar to Plaintiff's Trade Dress, (hereinafter "graphics" or "Defendant's graphics"), in connection with Defendant's electronic retail shopping services. Attached as Exhibit 5 is a copy of a screen display of Defendant's television broadcast showing Defendant's use of said graphics.

18. Defendant's use of the TODAY'S BEST VALUE designation is an infringement of Plaintiff's TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark. In addition, Defendant's use of its graphics is an infringement of Plaintiff's Trade Dress.

19. Defendant's use of the TODAY'S BEST VALUE designation and Defendant's use of its infringing graphics are likely to cause confusion, to cause mistake and to deceive as to the affiliation, connection or association of Defendant with Plaintiff and as to the origin, sponsorship, or approval of Defendant's goods and services by Plaintiff.

20. On information and belief, Defendant has long known of Plaintiff's goods and services and the fact that the public associates Plaintiff's TODAY'S SPECIAL VALUE mark, TODAY'S SPECIAL VALUE design mark and Trade Dress with the goods and services of Plaintiff, and Defendant has sought to capitalize on Plaintiff's goodwill by adopting and using the TODAY'S BEST VALUE designation

and by copying the distinctiveness of Plaintiff's Trade Dress.

21. Upon information and belief, Defendant has performed the complained of acts willfully, and with the knowledge of the infringement and unfair competition they would cause, and to appropriate and unfairly trade upon the Plaintiff's goodwill.

22. By reason of Defendant's acts alleged herein, Plaintiff has and will suffer damage to its business, reputation and goodwill, and Defendant has and will enjoy profits to which it is otherwise not entitled, for which Plaintiff is entitled to relief at law.

23. Unless restrained and enjoined, Defendant will continue to do the complained of acts, all to Plaintiff's irreparable damage. It would be difficult to ascertain the amount of compensation which could afford Plaintiff adequate relief for such continuing acts, and a multiplicity of judicial proceedings would be required. Plaintiff's remedy at law is not adequate to compensate Plaintiff for injuries threatened.

**COUNT I**  
**FEDERAL TRADEMARK INFRINGEMENT**

24. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 23, as if fully set forth herein.

25. Defendant's use of the TODAY'S BEST VALUE designation is likely to cause confusion, deception or mistake, all to the damage of Plaintiff, and is an infringement of Plaintiff's federally registered TODAY'S SPECIAL VALUE mark in violation of 15 U.S.C.

§1114(1), §32(1) of the Trademark Act of 1946, as amended.

**COUNT II**  
**TRADE DRESS INFRINGEMENT**

26. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 25, as if fully set forth herein.

27. Defendant's use of its graphics is an infringement of Plaintiff's Trade Dress, in violation of §43(a) of the Trademark Act of 1946, as amended, 15 U.S.C. §1125(a). Plaintiff's Trade Dress is nonfunctional, inherently distinctive and has become associated with and identifies Plaintiff. Defendant's use of its graphics in connection with its electronic retail shopping services is likely to cause confusion, to cause mistake and to deceive as to the affiliation, connection or association of Defendant with Plaintiff and as to the origin, sponsorship or approval of such services by Plaintiff.

**COUNT III**  
**FALSE DESIGNATION OF ORIGIN**

28. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 27, as if fully set forth herein.

29. Plaintiff's TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark have become uniquely associated with and thus identify only Plaintiff. Defendant's use of the TODAY'S BEST VALUE designation is a false designation of origin which is likely to cause confusion, to cause mistake and to deceive as to the affiliation, connection or association of Defendant with Plaintiff



and as to the origin, sponsorship or approval of Defendant's goods and services by Plaintiff.

30. The aforesaid acts are in violation of §43(a) of the Trademark Act of 1946, as amended, 15 U.S.C. §1125(a), in that Defendant has used a false designation of origin, a false or misleading description and representation of fact which is likely to cause confusion, and to cause mistake, and to deceive as to the affiliation, connection, or association of Defendant with Plaintiff and as to the origin, sponsorship, and approval of Defendant's commercial activities by Plaintiff.

**COUNT IV  
COMMON LAW TRADEMARK INFRINGEMENT**

31. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 30, as if fully set forth herein.

32. Defendant's use of the TODAY'S BEST VALUE designation constitutes trademark infringement of Plaintiff's TODAY'S SPECIAL VALUE mark and TODAY'S SPECIAL VALUE design mark, and causes likelihood of confusion, deception and mistake, and causes the purchasing public and the trade to think that Defendant's commercial activities are in some way sponsored, connected, owned or otherwise associated with Plaintiff, in violation of the common law of Pennsylvania.

**COUNT V  
COMMON LAW UNFAIR COMPETITION**

33. Plaintiff repeats and realleges each of the allegations

contained in paragraphs 1 through 32, as if fully set forth herein.

34. By virtue of Defendant's acts, hereinabove pleaded, Defendant has engaged in conduct which is contrary to honest, industrial and commercial practices and falls below the minimum standard of fair dealing, and constitutes unfair competition, in violation of the common law of Pennsylvania.

35. Defendant's use of the TODAY'S BEST VALUE designation and Defendant's use of its infringing graphics are calculated to confuse and deceive consumers and to cause consumers to believe that Defendant's commercial activities are connected with, or sponsored by Plaintiff.

36. Defendant's complained of acts are being committed with the intent, purpose and effect of procuring an unfair competitive advantage by misappropriating the valuable goodwill developed by Plaintiff at substantial effort and expense, and represented by the distinctiveness of Plaintiff's TODAY'S SPECIAL VALUE mark, TODAY'S SPECIAL VALUE design mark and Trade Dress.

37. By copying the distinctiveness of Plaintiff's TODAY'S SPECIAL VALUE mark, TODAY'S SPECIAL VALUE design mark and Trade Dress, the public and consumers will be deceived as to the source and sponsorship of Defendant's goods and services and Defendant will obtain business it could not otherwise obtain fairly on the open market.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, QVC, INC., prays for relief against Defendant, SHOP AT HOME, INC., as follows:

1. that Defendant, its officers, agents, servants, employees, and all persons and/or entities in active concert or participation with it, be immediately and preliminarily and thereafter permanently enjoined and restrained from:

a. Using the TODAY'S SPECIAL VALUE mark, the TODAY'S SPECIAL VALUE design mark or any confusingly similar designation - including without limitation, TODAY'S BEST VALUE - alone or in combination with other terms or symbols, as a trademark, trade name component or otherwise, as a domain name component, directory name, or other such computer addresses, and/or to market, advertise or identify Defendant's goods and services;

b. Using graphics, in connection with its electronic retail shopping services, similar to Plaintiff's Trade Dress;

c. Otherwise infringing Plaintiff's TODAY'S SPECIAL VALUE mark, Plaintiff's TODAY'S SPECIAL VALUE design mark and/or Plaintiff's Trade Dress; and

d. Unfairly competing with Plaintiff in any manner whatsoever.

2. that Defendant be required to deliver up and destroy all signs, labels, packages, literature, advertising, devices, computer hardware and software, servers and any other materials, in the

possession and/or control of Defendant, bearing the infringing designation TODAY'S BEST VALUE and/or Defendant's graphics, and all plates, molds, matrices and/or other means for making the same.

3. that Defendant be directed to file with the Court and serve upon Plaintiff's counsel within thirty (30) days after entry of Judgment, a report in writing and under oath setting forth in detail the manner and form in which Defendant has complied with the requirements of the Judgment and Order.

4. that Defendant be required to account for and pay over to Plaintiff all damages sustained by Plaintiff by reason of its unlawful acts alleged herein, and that such amounts be trebled, as provided by law.

5. that Defendant be required to account for and pay over to Plaintiff all profits realized by Defendant by reason of its unlawful acts alleged herein, and that such amounts be trebled, as provided by law.

6. that Defendant be required to pay Plaintiff punitive damages as may be permitted by law or in the discretion of this Court.

7. that Plaintiff have and recover its reasonable attorneys' fees incurred in this litigation.

8. that Plaintiff have and recover its taxable costs and disbursements herein.

9. that Plaintiff have such other and further relief as the


Court may deem just and appropriate.

Respectfully submitted,

**CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.**

May 30, 2002

By

  
Manny D. Pokotilow (ID# 13310)  
Salvatore Guerriero (ID# 83680)  
Seven Penn Center - 12th Floor  
1635 Market Street  
Philadelphia, PA 19103-2212  
(215) 567-2010

*Attorneys for Plaintiff,  
QVC, Inc.*

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

**United States Patent and Trademark Office**

Reg. No. 2,330,450

Registered Mar. 21, 2000

**SERVICE MARK  
PRINCIPAL REGISTER**

**TODAY'S SPECIAL VALUE**

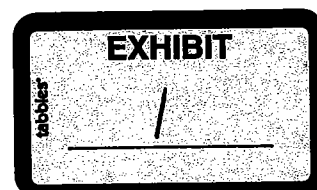
QVC, INC. (DELAWARE CORPORATION)  
1365 ENTERPRISE DRIVE  
WEST CHESTER, PA 19380

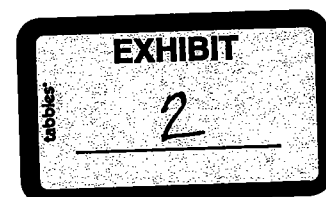
FOR: HOME SHOPPING SERVICES IN THE  
FIELD OF GENERAL MERCHANDISE BY  
MEANS OF TELEVISION, IN CLASS 42 (U.S.  
CLS. 100 AND 101).

FIRST USE 2-11-1994; IN COMMERCE  
2-11-1994.  
SEC. 2(F).

SER. NO. 74-557,924, FILED 8-5-1994.

DIANE B. MELNICK, EXAMINING ATTOR-  
NEY





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Meet The Hosts

● Program Guide



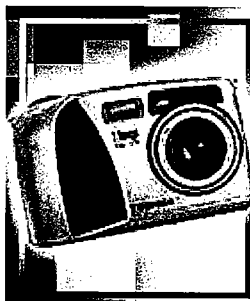
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Available in 2 EASY PAYS of \$199.98



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**with a week of surprises**

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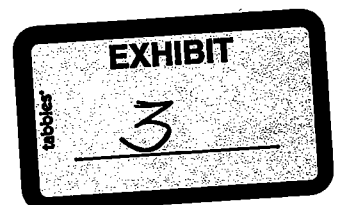
QVC PRICE  
~~\*\$2.50~~

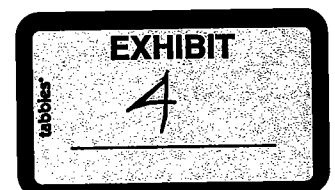
INTRODUCTORY  
PRICE  
**\*\$36.64**

S&H 4.47

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# Shop At Home

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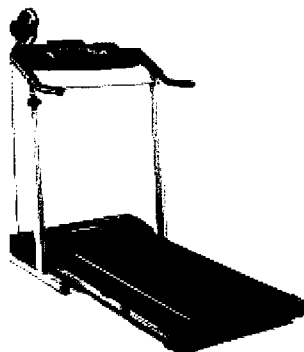
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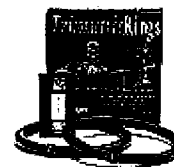
- Competitor Control Panel: three LCD windows provide immediate feedback of speed, distance, time, pulse, calories and fat burned.
- LCD 1/4 mile Track: to mark your progress
- Target Thumb Pulse Sensors: allows you to track and maintain your target heart rate
- 2.25 Horsepower Engine
- 0-10 mph Speed Control
- 1.5%-10% Power Incline
- Protech Cushioned Deck: to absorb the impact of each stride, cutting down on the stress on your joints
- 18x50" Non-Slip Treadbelt
- Magazine Rack and Cup Holder
- Space Saver Design: allows you to fold up and roll away
- Measurements: Length 72", width 36", height 30"
- Weight of product: 160 pounds
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- Assembly time: 30 -45 minutes (tools required, Allen wrench and Phillips head screwdriver)
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Barry Bonds  
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## UNITED STATES DISTRICT COURT

## APPENDIX A

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: QVC, Inc., Studio Park, West Chester, PA 19380

Address of Defendant: Shop at Home, Inc., 5388 Hickory Hollow Parkway, Antioch, TN 37013

Place of Accident, Incident or Transaction: E.D. PA and Elsewhere  
(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐

No ☐

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐

No ☐

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐

No ☐

CIVIL: (Place ☐ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases Lanham Act 15 USC §§ 1051 et seq  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Manny D. Pokotilow, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: May 30, 2002

Manny Pokotilow  
Attorney-at-Law

13310

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: May 30, 2002

Manny Pokotilow  
Attorney-at-Law

13310

Attorney I.D.#

JS 44 (Rev. 3/99)

## CIVIL COVER SHEET

APPENDIX B

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS QVC, Inc.

DEFENDANTS Shop at Home, Inc.

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Davidson County, TN  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

See attachment

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 USC §§ 1051 et seq Trademark Infringement, Trade Dress Infringement, Unfair Competition

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$ See Prayer for Relief ☐ JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE  
E

DOCKET NUMBER

DATE 5/30/02 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



**IN THE UNITED STATES DISTRICT COURT      APPENDIX C  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

QVC, INC.

v.

SHOP AT HOME, INC.

CIVIL ACTION

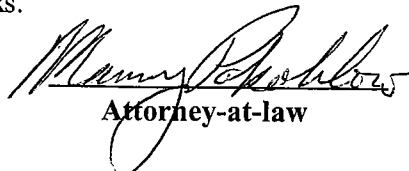
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (XX)
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. ( )

May 30, 2002  
Date

  
Attorney-at-law

Manny D. Pokotilow  
Attorney for Plaintiff QVC, Inc.